

OFFICIAL GAZETTE

GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Legislature Secretariat,

Notification

LA/B/ 3442/1993

The following Bill which was introduced in the Legislative Assembly of Goa on 13-12-95 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 14th December, 1995.

THE GOA POLICE BILL, 1995

Arrangement of Clauses

CHAPTER I

Clauses:

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

3. One Police Force for the whole of Goa.
4. Superintendence of Police Force to vest in the Government.
5. Constitution of Police Force.
6. Inspector General of Police.
7. Deputy Inspector General of Police.
8. Superintendent of Police and Dy. Superintendent of Police.
9. Appointment of Principals of Police Training Institution.
10. Constitution of Police Districts, Sub-Divisions and Police Stations.
11. Officers Incharge of Police Districts, Police Sub-Divisions and Police Stations.
12. Appointment of Subordinate Ranks.
13. Certificate of appointment.
14. Effect of Suspension of Police Officers.
15. General Powers of Inspector General of Police.

Clauses:

16. Power of Inspector General of Police to investigate and regulate matters of police accounts.
17. Special Police Officers.
18. Additional Police Officers.

CHAPTER III

19. Framing of Regulation for Administration of the Police.
20. Power to call for returns.
21. Police Officers to be deemed to be always on duty and to be liable to employment in any part of Goa.
22. Circumstances under which Police Officers of subordinate ranks may resign.
23. Certificate, Arms, etc., to be delivered by person ceasing to be a Police Officer.
24. Occupation of, and liability to vacate, premises provided for Police Officers.

CHAPTER IV

25. Power to make regulations for regulating traffic and for preservation of order in public places etc.
26. Power to give directions to the public.
27. Power to prohibit certain acts for prevention of disorder.
28. Police to provide against disorder, etc. at places of public amusement or public assembly or meeting.
29. Power to prohibit, etc., continuance of music, sound or noise.
30. Issue of order for prevention of riot, etc.
31. Maintenance of order at religious or ceremonial display, etc.
32. Power to reserve street or other public place for public purpose and power to authorise erecting of barriers in streets.
33. Power to make regulations prohibiting disposal of the dead except at places set apart.

CHAPTER V

34. Employment of additional police to keep peace.
35. Employment of additional police in cases of special danger to public peace.
36. Employment of additional police at large work and when apprehension regarding behaviour of employee exists.
37. Compensation for injury caused by unlawful Assembly how recoverable.
38. Dispute in regard to cost of deputing additional police or compensation under section 37.
39. Recovery of amount payable under section 34, section 35, section 36 or section 37.

Clauses:

40. Collector to award compensation.
41. Recovery of amount payable under section 39 and 41.
42. Dispersal of gangs and bodies of person.
43. Removal of persons about to commit offences.
44. Removal of persons convicted of certain offences.
45. Period of operation of orders.
46. Hearing to be given before order under section 42, 43 or 44 is passed.
47. Appeal against order under section 42 to 44.
48. Finality of order in certain cases.
49. Procedure on failure of person to leave the area and his entry therein after removal.
50. Temporary permission to enter and consequences of non-observance of conditions of such permission.
51. Taking measurements and photographs, etc. of person against whom an order under section 42, 43 or 44.
52. Resistance to the taking of measurements, etc.
53. Banning use of dress etc. resembling uniform of Armed Forces.
54. Constitution of Defence Societies.

CHAPTER VI

55. Duty of Police Officer to enforce provisions of the Act.
56. Other duties of a Police Officer.
57. Power to enter places of public resort.
58. Power to search suspected persons in streets, etc.
59. Superior Police Officer may himself perform duties imposed on subordinate officer.
60. Persons bound to comply with the reasonable direction of Police Officer.

CHAPTER VII

61. Police to take charge of unclaimed property.
62. Procedure for disposal of property taken charge of under section 61.
63. Delivery of property to person entitled.
64. In default of claim, property to be at disposal of Government.

CHAPTER VIII.

65. Disregarding the rules of the road.
66. Causing obstruction of mischief by animal.
67. Exposing animal for hire, sale etc.
68. Causing any obstruction in a street.
69. Obstructing a footway.
70. Causing obstruction and annoyance by performance etc.
71. Doing offensive acts in or near a street or public place.
72. Letting loose horse, etc. and suffering ferocious dogs to be at large.
73. Bathing or washing in places not set apart for those purposes.
74. Defiling water in public wells etc.
75. Obstructing Bathers.
76. Behaving indecently in public.
77. Obstructing or annoying passengers in the street.
78. Misbehaviour with intent to provoke breach of the peace.
79. Prohibition against flying kites, etc.
80. Committing nuisance in or near street, etc.
81. Disregard of notice in public building.
82. Penalties for offences under section 65 to 81.
83. Penalty for failure to keep in confinement cattle, etc.
84. Punishment for cruelty to animals.
85. Wilful trespass.
86. False alarm of fire or damage to fire alarm.
87. Being found under suspicious circumstances within sunset and sunrise.

Clauses:

88. Possession of property of which no satisfactory account can be given.
89. Omission by pawn-brokers, etc. to report, to police possession or tender of property suspected to be stolen.
90. Melting etc. of property referred to in section 89.
91. Taking pledge from child.
92. Suffering disorderly conduct at places of public amusement, etc.
93. Cheating at games and gambling in streets.
94. Penalty for disobedience to order under section 24.
95. Penalty for contravening regulations, etc. under section 25.
96. Penalties for contravention of orders, etc., under section 26, 27, 28, 29, 30 and 31.
97. Penalty for contravention of regulations, etc. made under section 32 and 33.
98. Penalty for contravention of directions under Sections 42, 43, 44.
99. Penalty for entering without permission area from which a person is directed to remove himself or overstaying when permitted to return temporarily.
100. Penalty for contravention of orders under section 57.
101. Penalty for opposing or not complying with direction given under clause (b) or sub-section (1) of section 55.
102. Penalty for contravening directions under section 60.
103. Dangerous performances.
104. Negligent or refusal to serve as special police officer.
105. Penalty for making false statement, etc. and for misconduct of police officers.
106. Penalty for failure to deliver up certificate of appointment or other article.
107. Vexatious entry, search, arrest, etc. by Police Officer.
108. Penalty for delay in forwarding a person arrested.
109. Penalty for unauthorised use of police uniforms.
110. Prosecution for certain offences against this act to be in the discretion of Police.
111. Summary disposal of certain cases.
112. Prosecution for offences under other enactments not affected.
113. Offences by companies.

CHAPTER IX

114. Disposal of fees, rewards, etc.
115. Method of proving orders and notification.
116. Rules, regulations or orders not invalidated by defect of form or irregularity in procedure.
117. Presumption in prosecution for contravention of offence under section 42, 43, or 44.
118. Forfeiture of bond entered into by person under sub-section (1) of section 50.
119. No Police Officer shall be liable to penalty or damage for act done in good faith in pursuance of duty.
120. No public servant liable as aforesaid for giving effect in good faith to any rule, regulation, order or direction issued with apparent authority.
121. Bar to suits and prosecutions.
122. Licences and written permission to specify conditions, etc.
123. Public notices how to be given.
124. Consent etc. may be proved by writing under its signature.
125. Signature on notices etc. may be stamped.
126. Power to make rules.
127. Repeal.

THE GOA POLICE BILL, 1995

(Bill No 31 of 1995)

A

Bill

to amend and consolidate the law relating to regulation of the Police Force in the State of Goa and matters connected therewith.

BE it enacted by the Legislative Assembly of Goa in the Forty-Sixth Year of Republic of India as follows:—

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa Police Act, 1995.

2. It extends to the whole of the State of Goa.

2. **Definitions:**— In this Act, unless the context otherwise requires, —

(a) “cattle” includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(b) “competent Authority” when used with reference to the exercise of any power or discharge of any duty under the provisions of this Act, means the Inspector General of Police appointed under Section 6 or any other Police Officer specially empowered in that behalf by the Government;

(c) “constable” means a Police Officer of the lowest grade;

(d) “eating house” means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning, or having any interest in, or managing, such place and includes—

(i) a refreshment room, boarding house or coffee house; or

(ii) a shop where any kind of food or drink is supplied to the public for consumption in or near such shop, but does not include a place of public entertainment.

(e) “police force” means the police force referred to in Section 3 and includes —

(i) all persons appointed as special police officers under sub-section (1) of section 17 and additional police officers appointed under section 18; and

(ii) all other persons, by whatever name known, who exercise any police function in any part of Goa;

(f) “Goa” means the State of Goa;

(g) “Government” means the Government of Goa;

(h) “municipality” means a Municipal Council constituted or deemed to be constituted under the Goa, Municipalities Act, 1968 (9 of 1969);

(i) “place” includes—

(i) any building, tent, booth or other erection, whether permanent or temporary; and

(ii) any area, whether enclosed or open.

(j) “place of public amusement” means any place where music, singing, dancing or games or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard or bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(k) “place of public entertainment” means a lodging house, boarding and lodging house or residential hostel and includes any eating house or other place in which any kind of liquor or intoxicating drug is supplied (such as a tavern or a shop where neera, spirit, urrack, toddy or bhang is supplied) to the public for consumption in or near such place;

(l) “police officer” means any member of the Police force;

(m) “prescribed” means prescribed by rules;

(n) “public place” means any place to which the public have access, whether as of right or not, and includes,—

(i) a public building and monument and precincts thereof; and

(ii) any place accessible to the public for drawing water, washing or bathing or parties or trade or business or for purposes of recreation;

(o) “regulations” means regulations made under this Act;

(p) “rules” means rules made under this Act;

(q) “Secretary” means Secretary to the State Government in charge of the Home Department whether designated as Secretary or Home Secretary;

(r) “street” includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare;

(s) “subordinate ranks” means members of the police force of and below the rank of the Inspector;

(i) "vehicle" means any carriage, cart, van, dray, truck, handcart or other conveyance of any description and includes a bicycle, tricycle, a rickshaw, a motor vehicle, a vessel or an aeroplane.

Chapter II

Organisation, Superintendence and Control of the Police Force

3. **One Police force for the whole of Goa.** — There shall be one police force for the whole of the State of Goa and all officers and subordinate ranks of the police force shall be liable for posting to any branch of the force.

4. **Superintendence of Police force to vest in the Government.** — The superintendence of the Police force throughout Goa shall vest in, and be exercisable by the Government, and any control, direction or supervision exercisable by any officer over any member of the police force shall be exercisable subject to such superintendence.

5. **Constitution of Police force.** — Subject to the provisions of this Act, —

(a) the Police force shall consist of such number in the several ranks and have such organisation and such powers, functions and duties as the Government may, by general or special order, determine; and

(b) the recruitment to, and the pay, allowances and all other conditions of service of the members of the police force shall be such as may be prescribed:

Provided that nothing in Clause (b) shall apply to the recruitment to, and the pay, allowances and other conditions of service of the members of the Indian Police Service.

6. **Inspector General of Police.** — For the direction and supervision of the police force in Goa, the Government shall appoint an Inspector General of Police who shall exercise such powers and perform such duties and functions as are specified by or under this Act.

7. **Deputy Inspector General of Police.** — (1) The Government may appoint one or more Deputy Inspector Generals of Police for the purpose of this Act.

(2) The Deputy Inspector General of Police shall —

(a) assist the Inspector General of Police in the exercise of his powers and the performance of his duties in such manner and to such extent, and

(b) exercise such powers and perform such duties of the Inspector General of Police and within such local limits, as the Government may, by general or special order, specify.

8. **Superintendent of Police and Dy. Superintendent of Police.** — (1) The Government may appoint one or more Superintendents of Police or Deputy Superintendents of Police for the purpose of this Act.

(2) Without prejudice to the other provisions of this Act and subject to any general or special orders made by the Government in this behalf, every Superintendent of Police or Deputy Superintendent of Police shall, under the orders of the Inspector General of Police, exercise such of the powers (except the power to make regulations) and perform such of the duties of the Inspector General of Police and within such local limits as may be specified in such orders.

9. **Appointment of Principals of Police Training Institution.** — (1) (a) The Government shall appoint a Police Officer not below the rank of Superintendent of Police to be the Principal of the Police Training School for Goa.

(b) The Government may by general or special order assign to the principal of the Police Training School such powers and duties as it may deem fit for the proper functioning of that School.

(2) (a) The Government may establish a Police Training College for Goa and appoint a Police Officer of appropriate rank to be the Principal of such College.

(b) The Government may by general or special order assign to the Principal of the Police Training College such powers and duties as it may deem fit for the proper administration of the College.

10. **Constitution of Police Districts, Sub-Divisions and Police Stations.** — The Government may, by notification, —

(a) constitute Police Districts within Goa.

(b) divide such Police Districts into Police Sub-Divisions and specify the Police Stations comprised in each such Sub-Divisions; and

(c) define the limits and extent of such Police Districts, Police Sub-Divisions and Police Stations.

11. **Officers in Charge of Police District, Police Sub-Divisions and Police Stations.** — (1) Each Police District shall be under the charge of one or more Superintendents of Police.

(2) Each Police Sub-Division shall be under the charge of Deputy Superintendent of Police and each Police Station shall be under the charge of an Inspector of Police or a Sub-Inspector of Police.

12. **Appointment of Subordinate Ranks.** — Subject to such general or special orders as the Government may make in this behalf —

(a) Inspectors of Police may be appointed by the Deputy Inspector General of Police; and

(b) Sub-Inspectors of Police and other officers of subordinate rank may be appointed by the Deputy Inspector General of Police or any other Police Officer specially empowered in this behalf.

13. Certificate of Appointment.— (1) Every Police Officer of the rank of Inspector and below shall on enrolment receive a certificate of appointment.

(2) The certificate shall be issued under the seal of such officer, and shall be in such form, as may be prescribed.

(3) A certificate of appointment shall become null and void when the person named therein ceases to belong to the Police force or shall remain inoperative during the period, such person is suspended from the Police force.

14. Effect of Suspension of Police Officers.— The powers, functions and privileges vested in a Police Officer shall remain suspended while such Police Officer is under suspension from office:

Provided that notwithstanding such suspension such person shall not cease to be a Police Officer and shall continue to be subject to the control of the same authorities to which he would have been subject if he had not been under suspension.

15. General Powers of Inspector General of Police.— The Inspector General of Police shall direct and regulate all matters of arms drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of law, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police force under them.

16. Power of Inspector General of Police to investigate and regulate matters of Police accounts.— The Inspector General of Police shall have the authority to investigate and regulate all matters of account connected with the Police force and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

17. Special Police Officers.— (1) The Inspector General of Police may, at any time, by a written order, signed by himself and sealed with his own seal, appoint able bodied person not less than eighteen years of age whom he considers fit, to be a Special Police Officer to be designated as "Honorary Police Officer" to assist the police force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace in any area and he is of the opinion that the ordinary police force is not sufficient for the protection of persons residing, and for security of property within such area.

(2) The Inspector General of Police shall publish the names of such Honorary Police Officers appointed under this Section in such manner and for such period as may be prescribed.

(3) Any person objecting to the appointment of any person as such Honorary Police Officer may send his reasons for such objection to the Inspector General of Police within 15 days of such appointment and the Inspector General of Police may accept such objection and cancel the appointment of such officer or, after giving to the objector an opportunity to be heard, reject the objection.

(4) Every Honorary Police Officer appointed under this section shall, on appointment—

(a) receive a certificate of appointment in such form as may be specified by the Government in this regard;

(b) have the same powers, privileges and immunities and perform the same duties and be subject to the same authorities as an ordinary Police Officer.

18. Additional Police Officer.— Where additional Police Officers are required to be deputed under section 38, section 39 or section 40 the Inspector General of Police may appoint such number of additional Police Officers as he considers necessary and every such additional police officer shall, on appointment,—

(a) receive a certificate of appointment in such form as may be specified by the Government in this behalf;

(b) have such of the powers, privileges and immunities and perform such of the duties of a police officer as are specifically mentioned in the certificate; and

(c) be subject to the same authorities as an ordinary police officer of the same or similar rank or grade.

Chapter III

Regulation, Control and Discipline of the police force

19. Framing of regulation for administration of the Police.— Subject to the orders of the Government the Inspector General of Police may make regulations not inconsistent with this Act or any other law for the time being in force—

(a) regulating the inspection of the Police force by his subordinates;

(b) determining the description and quantity of arms, accoutrements, clothing and other necessities to be furnished to the Police;

(c) prescribing the place of residence of members of the police force;

(d) for institution, management and regulation of any Police fund for any purpose connected with Police administration;

(e) regulating the distribution, movement and location of the Police;

(f) assigning duties to Police Officers of all ranks and grades, and prescribing the manner in which, and the conditions subject to which they shall exercise and perform their respective powers and duties;

(g) regulating the collection and communication by the police of intelligence and information;

(h) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

20. Power to call for returns.— The Secretary as also the District Magistrate may call for such returns, reports and statements on any subject connected with the prevention and detection of crime, the maintenance of order and the performance of the duties by the police force.

21. Police Officers to be deemed to be always on duty and to be liable to employment in any part of Goa.— Every Police Officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty and any Police Officer allocated for duty in any part of Goa may, if the Inspector General of Police, so direct, at any time be employed on police duty in any other part of Goa for so long as the service of the Police Officer may be required in such other part of Goa.

22. Circumstances under which Police Officer of subordinate rank may resign.— (1) Resignation of any Police Officer of subordinate rank may be accepted only by the officer empowered to appoint the officer so empowered to appoint being hereafter in this section referred to as "the appointing authority" officers of such subordinate rank.

(2) A Police Officer of subordinate rank who intends to resign from Police service shall give to the appointing authority notice in writing to that effect and shall not be permitted to withdraw himself from duty unless he has been granted permission to resign by such authority:

Provided that the appointing authority may at his discretion, permit a Head Constable or a Constable to withdraw himself from duty on his crediting to the Government two months' pay in lieu of notice.

(3) A Head Constable or a Constable who is under an obligation to serve for any specified period may not be permitted to resign before the expiry of that period.

(4) Inspectors, Sub-Inspectors or Assistant Sub-Inspectors of Police, whose appointments involve training at any Police Training College or Police Training School, may not be permitted to resign within three years from the date of their completion of training.

(5) No Police Officer of subordinate rank whose resignation has been accepted by the appointing authority shall be permitted to withdraw from duty until he has fully discharged all debts, due from him as such Police Officer to the Government or to any police fund and has surrendered his certificate of appointment, arms, accoutrements, uniform and all other Government property in his possession and has also rendered a complete account of all Government money and property for which he is responsible.

(6) Notwithstanding anything contained in this section if any police officer of subordinate rank tenders his resignation on medical ground and produces a certificate signed by the Police Surgeon or any other Medical Officer authorised by the Government in this behalf declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the appointing authority shall forthwith permit him to withdraw from duty on his discharging, or giving a satisfactory security for the payment of, any debt due from him as such Police Officer to the Government or to any Police fund:

Provided that he shall forthwith return the certificate of appointment, arms, accoutrements, uniform and all other Government property in his possession before he is permitted to withdraw from duty.

(7) If any such Police Officer of subordinate rank resigns or withdraws himself from the duties of his office in contravention of this Section, he shall be liable, on the orders of the appointing authority, to forfeit all arrears of pay then due to him in addition to the penalty under any other law for the time being in force.

(8) Every such Police Officer on leaving the service in the police force as aforesaid shall be given by the appointing authority a Discharge Certificate in such form as may be prescribed.

23. Certificate, arms, etc. to be delivered by person ceasing to be a Police Officer.— (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver to the officer empowered by the Inspector General of Police, Deputy Inspector General of Police, Superintendent of Police, Principal of the Police Training College or School, Deputy Superintendent of Police or any other officer of equivalent rank to whom such officer is subordinate, to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other accessories which have been provided to him for the performance of duties and functions connected with his office.

(2) (a) Any Judicial Magistrate may issue a warrant to search for and seize wherever they be found, any certificate, arms, accoutrements, clothing or other accessories not delivered under sub-section (1).

(b) Every warrant so issued shall be executed by a Police Officer or, if the Judicial Magistrate so directs by any other person in the same manner as if it were a warrant for a search issued under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(3) Nothing in this section shall apply in relation to any article which under the order of Inspector General of Police has become property of the person to whom the same was provided.

24. Occupation of, and liability to vacate, premises provided for Police Officers.— (1) A Police Officer occupying any premises provided by the Inspector General of Police for his residence shall—

(a) occupy the same subject to such terms and conditions as may, by general or special order be specified by the Inspector General of Police, and

(b) notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police Officer or whenever the Inspector General of Police or any officer authorised by the Government in this behalf considers it, for reasons to be recorded in writing, necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so the Government or the officer authorised in this behalf by the Government may order

such person to vacate the premises and may direct any Police Officer with such assistance as may be necessary to enter upon the premises and remove, therefrom, any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

Chapter - IV

Police Regulations

25. Power to make Regulations for regulating traffic and for preservation of order in public places etc. — (1) The Government may, by notification in the Official Gazette, make regulations to provide for all or any of the following matters namely:-

(a) licensing and controlling persons offering themselves for employment, outside railway stations and other places where passengers arrive, for the carriage of passenger's baggage and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed;

(b) regulating traffic of all kind in streets and other public places, and the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;

(c) regulating the conditions under which vehicles may remain standing in streets and other public places, and the use of streets as halting places for vehicles or cattle;

(d) specifying the number and position of lights to be used on vehicles in streets and the hours between which such lights should be used;

(e) prohibiting the erection, exhibition, fixation or retention of any sign, device or representation for the purpose of advertisements, which is visible against the sky from some point to any land, building or structure at such height as may be specified in the regulations, having regard to the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction, or causing obstruction, to such traffic;

(f) specifying certain hours of the day during which cattle shall not be driven, or, as the case may be, driven only in accordance with such regulations, along the streets, or along certain specified streets;

(g) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(h) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwidely articles through the streets, and the route and hours for such conveyance;

(i) in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosives substance or any substance or article emitting foul odour;

(j) prohibiting, except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts of such carcasses or corpses of persons deceased.

(k) specifying certain hours of the day during which odour or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except in accordance with such regulations;

(l) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or other public places;

(m) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the streets and specifying in the case of processions, the routes by which, the order in which and the time at which the same may pass.

Explanation: "regulating" in this clause would include the power to prescribe that permission in writing should be taken a few days before the holding of a meeting on a public street.

(n) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(o) prohibiting, except in accordance with such regulations, the placing of building materials or other articles or the fastening or detention of any cattle or other articles or the fastening or detention of any cattle or other animals in any street or public place;

(p) in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting—

(i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of the Government, Municipal or Panchayat officers duly authorised in that behalf.

(ii) the blasting of rock or making excavations in or near streets or public places,

(iii) the using of a loudspeaker in or near any public place or in any place of public entertainment;

(q) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(r) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(s) prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or discharging a

fire-arm or air-gun, or letting off or throwing a fire-work or, sending up a fireballoon or rocket in or upon a street or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in this behalf;

(t) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmashala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

- (u) (i) licensing or controlling places of public amusement or public entertainment;
- (ii) prohibiting the keeping of places of public amusement or public entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity; and
- (iii) regulating the means of entrance and exit at places of public amusement or public entertainment or assembly and providing for the maintenance of public order and the prevention of disturbance threat;
- (v) (i) licensing or controlling in the interest of public order, decency or morality or in the interest of the general public (with such exceptions as may be specified in such regulation), musical, dancing, mimetic or theatrical or other performances for public amusement, including melas;
- (ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of artists and the conduct of the artists and the audience at such performances;
- (iii) prior scrutiny of such performances and of the scripts in respect thereof, if any and granting of suitability certificate therefor subject to conditions, if any, by a Board appointed by the Government for the purpose, either for the whole of Goa or for the area concerned or by an Advisory Committee constituted by the Government consisting of who in the opinion of the Government possess knowledge of, or experience, in literature, the theatre and other matters relevant to such scrutiny. The Government shall by rules make provision for appeal against the order or decision of the Board or the Advisory Committee to an appellate authority, its appointment or constitution, its procedure and other matters ancillary thereto, and the fees to be charged for the scrutiny of such performances or scripts, for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals and any such performances.

Note:- The scripts in respect thereof granted suitability certificate by any State shall be exempted from this Section:

- (iv) regulating the hours during which and the places at which such performances may be given;

(x) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement;

(y) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for and fixing the fees to be charged for any such licence or permission:

Provided that nothing in this section and no licence or certificate of registration granted under any regulation made thereunder shall authorise any person to import, export, transport, manufacture, sell or possess any liquor, or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under any law which is for the time being in force.

(2) The power of making regulations under this section shall be subject to the condition of the regulations being made after previous publication.

(3) If any regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bye-law of the Municipality or local authority in relation to public health, convenience or safety of the locality such regulation shall be subject to such law, rule or bye-law.

26. Power to give directions to the public.— The Inspector General of Police and subject to the orders, if any made by the Inspector General of Police, every Police Officer not inferior in rank to an Inspector, may from time to time as occasion may arise, but not so as to contravene any regulation made under section 25 or any law, rule, or bye-law referred to in sub-section (3) of that section give all such orders either orally or in writing as may be necessary to —

a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along streets;

b) specify the routes by which and the times at which any such processions may pass or shall not pass;

c) prevent obstructions —

- i) on the occasion of all processions and assemblies;
- ii) in the neighbourhood of all places of worship during the time of worship;
- iii) in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;

(d) keep order on, and in, all streets, and at, and within, public bathing and washing places, fairs, temples, mosques, gurudwaras, churches and all other places of public resort or public worship;

(e) regulate and control the playing of music, singing or the beating of drums, tom-toms, and other instruments and the blowing or sounding of horns or other noisy instruments in, and near, any street or public place;

(f) regulate and control the use of loudspeakers in residential areas, streets, near any public places and places of public amusement or public entertainment; or

(g) make reasonable orders consequential to, and in furtherance of, any order made under this section.

27. Power to prohibit certain acts for prevention of disorder.— (1) The District Magistrate may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety, by notification publicly promulgated or addressed to individuals, prohibit, in relation to whole of Goa or any part thereof —

(a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks, or lathis, or any other article, which is capable of being used for causing physical violence;

(b) the carrying of any corrosive substance or explosives;

(c) the carrying, collection or preparation of stones or other missiles or instruments or means of casting or impelling missile;

(d) the exhibition of persons or corpses;

(e) the public utterance of cries, singing of songs or playing of music; or

(f) the delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other subject or thing which may, in the opinion of the Inspector General of Police, offend against decency or morality or undermine the security of the State.

(2) If any person goes armed with any such article as is referred to in clause (a) of sub-section (1) or carries any corrosive substance or explosive or missile or instrument in contravention of any prohibition under that sub-section, the article, corrosive substance or explosive or missile shall be liable to be seized from him by any Police Officer.

28. Police to provide against disorder, etc., at places of public amusement or public assembly or meeting.— (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to person assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant Sub-Inspector and above, present at such place of public amusement, or such assembly or meeting, may subject to such rules, regulations and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at, such place of amusement or such assembly or meeting as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

(2) Every Police Officer shall have free access to every place of public amusement, assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

29. Power or prohibit, etc., continuance of music, sound of noise.— (1) If the District Magistrate is satisfied from the report of an Officer in charge of a Police Station, or other information received by him, that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury, or risk of annoyance, disturbance, discomfort or injury to the public or to any person who dwells, or occupies property, in the vicinity, he may, by written order, issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating —

a) the incidence of continuance in any street, open space or any other premises of —

(i) any vocal or instrumental music;

(ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing or reproducing sound; or

(iii) use of loudspeaker or other apparatus for amplifying any musical or other sound at such pitch or volume as may cause disturbance to others, or

b) the carrying on, in any premises, of any trade, avocation or operation resulting in or attended with noise:

Provided that no directions shall be issued to any person under clause (b) without giving to such person an opportunity of being heard in the matter.

(2) The District Magistrate may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the District Magistrate shall afford to the applicant an opportunity of appearing before him either in person or by counsel and showing cause against the order and shall, if he rejects any such application either wholly or in part, record the reasons for such rejection.

30. Issue of order for prevention of riot, etc.— (1) In order to prevent or suppress any riot or grave disturbance of peace, a Sub-Divisional Magistrate may temporarily close or take possession of any building or other place and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the Sub-Divisional Magistrate may make and notify in exercise of his power under this section.

(2) If the lawful occupant of such building or place suffers any loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on an application made therefor to the District Magistrate within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such District Magistrate rendered necessary either by the use to which such building or place was put, or intended to be put, or by the misconduct of persons having access thereto.

(3) In the event of any dispute in relation to the amount of compensation payable under sub-section (2) or the person to whom such amount shall be payable, the matter shall be referred by the District Magistrate to the Government whose decision thereon shall be final.

31. Maintenance of order at religious or ceremonial display, etc.— (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place as to which or the conduct of, or participation in, which, it shall appear to a Sub-Divisional Magistrate a dispute or contention exists, which is likely to lead to grave disturbance of the peace, he may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested and all persons concerned shall obey such orders.

(2) Every such order shall be published in the locality or place wherein it is to operate.

(3) Every order under sub-section (1) shall be subject to any judgement, decree, injunction or order made by a Court having jurisdiction, and shall be rescinded or altered on its being made to appear to the Sub-Divisional Magistrate that such order is inconsistent with a judgement, decree, injunction or order of such Court.

32. Power to reserve street or other public place for public purpose and power to authorise erecting of barriers in streets.— The Inspector General of Police may, by public notice, temporarily reserve for any public purpose any street or other public place and prohibit persons from entering the area so reserved, except on such conditions as may be specified by him.

(2) The Inspector General of Police may, whenever in his opinion such action is necessary:—

(a) authorise such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or the person in charge of such vehicle; and

(b) make such orders as he deems fit for regulating the use of such barriers.

33. Power to make regulations prohibiting disposal of the dead except at places set apart.— (1) The Government may, from time to time, make regulations prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:

Provided that no such regulations shall be made in respect of any area for which places have not been so set apart:

Provided further that the Government or any officer authorised by it in this behalf may, in his discretion, on an application made to him by any person grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) All such regulations shall be deemed to be rules for the purpose of Section 23 of the General Clauses Act, 1987 (Central Act 10 of 1987) and shall be subject to the condition of previous publication.

CHAPTER V

Special measures for maintenance of public order and security of State

34. Employment of Additional Police to keep peace.— (1) The Inspector General of Police may, on the application of any person depute any additional number of Police to keep the peace, to preserve order, to enforce any of the provisions of this Act or of any other law in respect of any particular class or classes of offences or to perform any other duties imposed on the Police at any places in Goa.

(2) Such additional Police shall be employed at the cost (which shall be determined by the Inspector General of Police in accordance with the rules made in this behalf) of the person making the application, but shall be subject to the order the police authorities and shall be employed for such period as the Inspector General of Police considers necessary.

(3) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the Inspector General of Police for the withdrawal of the said Police he shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of the delivery of such requisition as the Inspector General of Police shall determine.

(4) Where there is any dispute as to the amount to be paid by way of cost, the Inspector General of Police shall, on an application made in that behalf by the aggrieved party, refer the matter to the District Collector, whose decision thereon shall be final.

35. Employment of Additional Police in cases of special danger to public peace.— (1) If in the opinion of the Government any area in Goa is in a disturbed or dangerous condition or the conduct of the inhabitants or of any particular section or class of the inhabitants of such area renders it expedient to employ temporarily additional police in the area, it may, by notification in the Official Gazette, specify the area (hereafter in this section referred to as 'the disturbed area') in which, and the period for which the additional police shall be employed and thereupon the Inspector General of Police shall depute such number of additional Police Officers as he considers necessary, in the disturbed area:

Provided that the period so specified may be extended by the Government from time to time, if of the opinion that it is necessary so to do in the interest of the public.

(2) On the issue of a notification under sub-section (1), the Government may require the District Collector, or any other authority specified by the Government, to recover whether in whole or in part the cost of such additional police generally from all persons who are inhabitants of the disturbed area or specially from any particular section or class of such person, and in such proportion as the Government may so direct.

(3) It shall be lawful for the Government to exempt by order in writing, and for sufficient reasons, any person from liability to bear any portion of the cost of such additional police.

Explanation:— In this section and in section 37, the expression "Inhabitants", when used in relation to any disturbed

area, includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area.

36. Employment of Additional Police at large work and when apprehension regarding behaviour of employees exists:—

(2) Whenever it appears to the Government that:—

(a) Any large work which is being carried on or any public amusement which is being conducted in any place is likely to impede the traffic or to attract a large number of people; or

(b) the behaviour or a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work or in or upon any manufactory or other commercial concern, under construction or in operation at any place necessitates the employment of additional police at such place,

the Government may depute such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to the Government continue.

(2) Such additional police shall be employed at the cost of the persons by whom the work, public amusement, manufactory or concern is being constructed, conducted or carried on and this said person shall pay the costs therefore at such rates as the Government shall from time to time required.

37. Compensation for injury caused by unlawful assembly how recoverable.—(1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the Government may by notification in the Official Gazette, specify the area (hereafter in this section referred to as the “disturbed area”) in which, and the date on which or the period during which such unlawful assembly was, in its opinion, held.

(2) On the issue of a notification under sub-section (1), the District Collector may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid.

(3) The amount of the compensation shall be deemed to be a fine imposed under the section, and shall be payable by the inhabitants of the disturbed area.

(4) It shall be lawful for the District Collector to exempt, by order in writing and for sufficient reasons any person from liability to pay any portion of the compensation amount.

38. Dispute in regard to cost of deputing additional Police or compensation under section 37.—In the event of any dispute relating to the cost payable under section 35 or section 36 or the compensation determined under section 37 or the person or persons or the section or class of persons by whom or the proportion in which such cost or compensation should be paid, the matter

shall be referred, on an application made in that behalf by the aggrieved party, to the Chief Judicial Magistrate, whose decision thereof shall be final.

39. Recovery of amount payable under Section 34, section 35, section 36 or section 37.—Any amount payable under section 34, section 35, section 36 or section 37 shall be recovered in the same manner as if it were an arrear of land revenue.

40. Collector to award compensation.—(1) Amount payable under section 34, section 35, section 37 shall when recovered, be credited to the Government.

(2) The District Collector shall pay, from the amount recovered by him as compensation payable under section 37, such amount as he deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or the legal heirs of any person who died, by reason of anything done in the prosecution of the common object of the unlawful assembly.

(3) No compensation shall be paid under this Section except when a claim has been made therefore within forty-five days from the date of the notification referred to in sub-section (1) of Section 37 and the District Collector is satisfied that the claimant, where the claim is by the person who suffered the loss, damage or grievous hurt, or the deceased, where the claim is by the legal heirs of such deceased, has been free from blame in connection with the occurrence which led to the loss, damage, grievous hurt or death.

(4) The compensation payable to any person under sub-section (2) shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(5) No civil suit shall be maintainable in respect of any loss, damage or grievous hurt for which compensation has been granted under this section.

41. Recovery of amount payable under section 39 and 40.—Without prejudice to the provisions contained in section 39 all amounts payable under section 35 or section 37 shall be recoverable in the manner provided in section 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974), as if each such amount were a fine imposed on an offender by a Court.

42. Dispersal of Gangs and Bodies of person.—Whenever it appears to the District Magistrate that the movement or encampment of any gang or body of persons in any part of Goa is causing or is calculated to cause danger to persons or property or reasonable suspicion that unlawful alarm or designs are entertained by such gang or body of persons or by members thereof, he may, by order addressed to the persons appearing to be the leaders or chief men of such gang or body of persons and published by announcement or beat of drums, or otherwise direct the members of such gang or body of persons—

(a) to so conduct themselves as shall seem necessary in order to prevent violence and alarm; or

(b) to disperse and to remove themselves beyond the limits of Goa, or any part thereof, within such time as may be

specified and not to enter Goa or the part thereof, as the case may be, from which they were directed to remove themselves.

43. Removal of persons about to commit offences.— Whenever it appears to the District Magistrate,—

(a) that the movements or acts of any person are causing or are calculated to cause alarm, danger or harm to person or property; or

(b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, Chapter XVI, Chapter XVII or Chapter XXII of the Indian Penal Code (45 of 1960), or under section 290 or sections 489-A to 489-E (both inclusive) of that code or in the abetment of any such offence; or

(c) that such person —

(i) is so desperate and dangerous to render his being at large in Goa or any part thereof hazardous to the community; or

(ii) has been found habitually intimidating other persons by acts of violence or by show of force; or

(iii) habitually commits affray or breach of peace or riot, or habitually makes forcible collection of subscription or threatens people for illegal pecuniary gain for himself or for others; or

(iv) has been habitually passing indecent remarks on women and girls, or teasing them by overtures and that in the opinion of the District Magistrate witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property,

the District Magistrate may by order in writing duly served on such person, or by beat of drum or otherwise as deemed fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alarm or to remove himself outside Goa, or any part thereof, by such route and within such time as may be specified and not to enter or return to Goa or any part thereof, as the case may be from which he was directed to remove himself.

Explanation:— A person who during a period within one year immediately preceding the commencement of an action under this section has been found on not less than three occasions to have committed or to have been involved in any of the acts referred to in this section shall be deemed to have habitually committed that act.

44. Removal of person convicted of certain offences.— If a person has been convicted —

(a) of an offence under Chapter XII, Chapter XVI or Chapter XVII of the Indian Penal Code (45 of 1860); or

(b) of an offence under section 3 or section 4 of the Goa, Public Gambling Act, 1976 (14 of 1976) or under section 12 of that Act or on two or more occasions under any other provisions of that Act; or

(c) of any offence under the Immoral Traffic Prevention Act, 1956 (Central Act 104 of 1956); or

(d) of any offence under sections 25 to 29 of the Arms Act 1956 (Central Act 54 of 1950); or

(e) of any offence under section 135 of the Customs Act, 1962 (Central Act 52 of 1962); or

(f) on two or more occasions of an offence under the Goa Prevention of Begging Act, 1973 (Act No. 4 of 1973); or

(g) on three or more occasions of an offence under section 98 or section 100 of this Act,

the District Magistrate may, if he has reason to believe that such person is likely again to engage himself in the commission of any of the offences referred to in this section, by order in writing, direct such person to remove himself beyond the limits of Goa or any part thereof, by such route and within such time as the District Magistrate may specify and not to enter or return to Goa or any part thereof, as the case may be, from which he was directed to remove himself.

45. Period of operation of orders under sections 42, 43 or 44.— Any direction made under section 42, section 43 or section 44 not to enter Goa or any part thereof, shall be for such period as may be specified therein, and shall in no case exceed a period of two years from the date on which it was made.

46. Hearing to be given before order under section 42, 43 or 44 is passed.— (1) Before an order under section 42, section 43 or section 44 is made against any person, the District Magistrate shall by notice in writing inform him of the general nature of the material allegation against him and give him reasonable opportunity of tendering an explanation regarding them.

(2) If such person makes an application for the examination of any witness to be produced by him, the District Magistrate shall grant such application and examine such witness, unless for reasons to be recorded in writing, the District Magistrate is of opinion that such application is made for the purposes of causing vexation or delay.

(3) Any written explanation put in by such person shall be filed with the record of the case.

(4) such person shall be entitled to be represented in the proceeding by a counsel.

(5) (a) The District Magistrate may for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 42, section 43, or section 44 require such person, by order in writing to appear and to furnish a security bond with or without security for attendancy during the inquiry.

(b) The provisions of section 119 to section 124 (both inclusive) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall so far as may be apply in relation to the order under clause (a) to furnish security bond.

(6) Without prejudices to the foregoing provisions, the District Magistrate, while issuing the notice to any person under sub-section (1) may issue a warrant for his arrest and the provisions of section 70 to 89 (both inclusive), of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall so far as may be, apply in relation to such warrant.

(7) The provisions of section 445, section 446, section 448 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall so far as may be, apply in relation to all bonds executed under this section.

47. Appeal against order under section 42 to 44.—(1) Any person aggrieved by an order made under section 42, section 43 or section 44 may appeal to the Government within thirty days from the date of the service of such order on him.

(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by order or a certified copy thereof.

(3) On receipt of such appeal, the Government may, after giving a reasonable opportunity to the appellant to be heard either personally or by a counsel and after such further inquiry, if any, as it may deem necessary, confirm, vary or set aside the order appealed against:

Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the Government otherwise directs.

(4) The Government shall make every endeavour to dispose of an appeal under this section within a period of three months from the date of receipt of such appeal.

(5) In calculating the period of thirty days provided for an appeal under this section, the time taken for obtaining a certified copy of the order appealed against, shall be excluded.

48. Finality of order in certain cases.— An order passed by the District Magistrate under section 42 section 43 or section 44 or the Government under section 47 shall not be called in question in any court except on the ground—

(a) that the District Magistrate or the Government as the case may be, had not followed the procedure laid down in sub-section (1), sub-section (2) or sub-section (4) of section 46 or in section 47 as the case may be; or

(b) that there was no material before him upon which he could have based his order or;

(c) in the case of an order made under section 43 or an order in appeal therefrom to the Government under section 47, the District Magistrate or the Government as the case may be, was not of the opinion that witnesses were unwilling to come forward to give evidence in public against the persons against whom such order has been made.

49. Procedure on failure of person to leave the area and his entry therein after removal.— If a person to whom a direction has been issued under section 42, section 43 or section 44 to remove himself from Goa or any part thereof.

(a) fails to remove himself as directed; or

(b) having so removed himself, enters Goa or any part thereof within the period specified in the order otherwise than with the permission of the District Magistrate under section 50, the District Magistrate may cause him to be arrested and removed in Police custody to such place outside Goa or any part thereof as he may in each case specify.

50. Temporary permission to enter and consequences of non-observance of conditions of such permission.— (1) The District Magistrate, by order in writing, permit any person, in respect of whom an order under section 42, section 43 or section 44 has been made, to return to Goa or any part thereof, from which he was directed to remove himself, for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observance of the conditions imposed.

(2) The District Magistrate may at any time revoke any such permission.

(3) Any person who with such permission returns to Goa or any part thereof shall observe the conditions imposed and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside Goa or any part thereof, as the case may be, and shall not return thereto within the unexpired portion of the period specified in the original order made without a fresh permission.

(4) If such person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to Goa or any part thereof as the case may be, without fresh permission, the District Magistrate may cause him to be arrested and remove in police custody to such place outside Goa or part thereof as the District Magistrate may in each case specify.

51. Taking measurements and photographs, etc. of person against whom an order under section 42, 43 or 44 is made.— Every person against whom an order has been made under sections 42, 43 or 44 shall if so required by the Inspector General of Police, allow his measurements and photographs to be taken by a Police Officer in the prescribed manner.

52. Resistance to the taking of measurements, etc.— (1) If any person as aforesaid when required to allow his measurements or photographs to be taken resists or refuses to allow the taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

(2) Resistance to or refusal to allow the taking of measurements or photographs under this Act shall be deemed to be an offence under section 186 of the Indian Penal Code (Central Act 45 of 1860).

(3) Where an order under sections 42, 43 or 44 is set aside in appeal, all measurements and photographs (including negatives) taken shall be destroyed or made over to the person against whom such order is made.

53. Banning use of dress etc. resembling uniform of armed forces.— (1) If the Government, is satisfied that the wearing in public, by any member of any body, or association or organisation, of any dress or article of apparel resembling any uniform required to be worn by a member of the Armed Forces of the Union or by a member of any Police Force or of any force, constituted by or under any law for the time being in force, is likely to prejudice the security of the State or the maintenance of public order, it may by a general or special order prohibit or restrict the wearing, or display in public of any such dress or article of apparel by any member of such body or association or organisation.

(2) Every general or special order under sub-section (1) shall be published in the prescribed manner.

Explanation:- For the purpose of this section a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed in any place to which the public have access.

54. Constitution of Defence Societies. — (1) For the protection of persons, the security of property and the public safety in any locality, the Inspector General of Police may constitute voluntary bodies (hereinafter in this section referred to as 'Defence Societies') in the prescribed manner.

(2) The Inspector General of Police or any Officer of a Defence Society may at any time call up officers subordinate to him or any member of a Defence Society for training or to discharge any of the duties under this Act assigned to them.

(3) Every Officer or a member of a Defence Society shall—

(a) on appointment receive a certificate in such form as may be specified or approved by the Government in this behalf; and

(b) when called up for duty have the same powers, privileges and protection as are vested in a Police Officer appointed under this Act.

(4) Notwithstanding anything contained in any law for the time being in force, an officer or a member of a Defence Society shall not be disqualified for being chosen as, or for being, a member of—

(a) the Goa Legislative Assembly or a Municipal Council or Village Panchayat, or

(b) any other local authority, by reason of the fact that he is a member or officer of such society.

Chapter - VI

Executive Duties and Powers of Police Officers. —

55. Duty of Police Officer to enforce provisions of the Act.

— (1) It shall be the duty of every police officer to ensure compliances with the provisions of this Act or any rule, regulation or order made thereunder and for the purpose such police officer may,—

(a) warn persons who from ignorance fail to comply with any provision of this Act or any rule, regulation or order made thereunder;

(b) require any person acting or about to act contrary to any provision of this Act or rule, regulation or order made thereunder, to desist from so doing;

(c) subject to the provisions of sub-sections (2) and (3), arrest any person contravening any provision of the Act or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act;

(d) seize any object used, or about to be used, in contravening, or in contravention of, the provisions of this

Act or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act.

(2) A Police Officer shall not arrest any person under clause (c) of sub-section (1) without a warrant issued by a Magistrate unless such person—

(a) has contravened any regulation made under clause (b) of sub-section (1) of section 25;

(b) has contravened any order or notification made under section 26, sub-section (1) of section 27, section 29, section 43, section 44 or sub-section (1) of section 53;

(c) commits in the presence of such Police Officer an offence punishable under section 92, or no section 10;

(d) has committed, or is reasonably suspected to have committed, an offence punishable under section 95 in relation to any dwelling house, private premises or any other land or ground attached thereto;

Provided that the person in possession or having charge of that dwelling house, private premises or land or ground complaints of the commission of such offence;

(e) commits in his presence in any street or public place any non-cognizable offence punishable under this Act or any rule or regulation made thereunder if such person—

(i) after being warned by the police officer persists in committing such offence; or

(ii) refuses to accompany the police officer to a police station on being required so to do.

(3) The Inspector General of Police or any other police officer especially empowered in this behalf by the Inspector General of Police may arrest without a warrant issued by a Magistrate any person who has committed an offence punishable under section 87.

56. Other duties of a Police Officer.— It shall be the duty of every police officer—

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by the competent authority or a Court and to comply with all lawful commands of his superior;

(b) to the best of his ability, to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences and to lay such information and to take such other steps consistent with law and with the orders of his superiors as shall be best calculated to bring offenders to justice and to prevent the commission of cognizable and, within his view, of non cognizable offences;

(c) to prevent to the best of his ability the commission of public nuisances;

(d) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(e) to aid any other Police Officer when called upon by such officer or in the case of need in the discharge of the duty

of such Police Officer, in such ways as would be lawful and reasonable on the part of the officer aided;

(f) to prevent the breach of public peace;

(g) to afford every assistance within his power to disabled or helpless persons in the streets;

(h) to take charge of intoxicated persons and of lunatics at large, who appear dangerous or incapable of taking care of themselves;

(i) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and whilst guarding or conducting any such person to have due regard to his condition;

(j) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody.

(k) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(l) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness.

(m) to use his best endeavours to prevent any loss or damage by fire;

(n) to use his best endeavours to avert any accident or danger to public;

(o) to regulate and control the traffic in the streets to prevent obstructions therein and to the best of his ability, to prevent the contravention of any rule, regulation or order made under this Act or any other law in force for observance by the public in or near the streets;

(p) to keep order in the streets and within public bathing and washing places, fairs, temples & all other places of public resort and in the neighbourhood of places of public worship;

(q) to regulate entry to public bathing and washing places and all other places of public resort, to prevent overcrowding there and to the best of his ability, to prevent the contravention of any regulation or order lawfully made for observance by the public at such place; and

(r) to discharge such other duties as are imposed upon him by any law for the time being in force;

57. Power to enter places of public resort.— Subject to the provisions of this Act and the rules, regulations and orders made thereunder, every Police Officer may, for the purpose of discharging any of the duties referred to in section 55 or section 56 enter without a warrant and inspect any place of public resort which he has reason to believe is used as a place for the storing, sale or consumption of intoxicating drinks or narcotics or a place for resort of loose and disorderly characters.

58. Power to search suspected persons in streets, etc.— When in a street or a place of public resort a person is in possession or suspected to be in possession of any article which a police officer in good faith suspects to be stolen property, such police

officer may search such person and may require an account in relation to any article found in his possession and should the account given by the possessor be manifestly false or suspicious, may detain such article giving to the possessor receipt in the prescribed form and report the facts to a Magistrate who shall thereupon proceed according to the provisions of section 457, 458, and 459 of the Code of Criminal Procedure, 1973 (Central Act 10 of 1974).

59. Superior Police Officer may himself perform duties imposed on Subordinate Officer.— A Police Officer of a rank superior to that of a constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in case of any duty imposed on such subordinate, a superior may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

60. Persons bound to comply with the reasonable direction of Police Officer.— (1) All persons shall be bound to comply with the reasonable directions given by police officer in the discharge of his duty under this Act.

(2) Where any person resists, refuses or fails to comply with any direction referred to in sub-section (1) a police officer, may without prejudice to any other action that he may take under any other provision of this Act or any other law for the time being in force, remove such person and either produce him before Magistrate or, in trivial cases, release him when the occasion which necessitated the removal has ceased to exist:

Provided that the person so removed shall in all cases be produced before a Magistrate or released as the case may be, within a period of 24 hours of such removal.

Chapter - VII

Powers in relation to Unclaimed Property

61. Police to take charge of unclaimed property.— (1) It shall be the duty of every Police Officer to take temporary charge—

(a) of all unclaimed property found by, or made over, to him; and

(b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or fails to do so.

(2) The Police Officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the District Magistrate.

62. Procedure for disposal of property taken charge of under section 65.— (1) Where any property has taken charge of under sub-section (1) of section 65, the District Magistrate shall issue a proclamation specifying the articles of which such property consists and requiring that any person who may have a claim

thereto shall appear before him or some other officer whom he authorises in this behalf and establish his claim within six months from the date of such proclamation;

(2) If the property, or any part thereof, is subject to speedy and natural decay or consists of livestock or if the property appears to be of the value of fifty rupees, it may forthwith be sold by auction under the orders of the District Magistrate and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

(3) Where any person who has a claim to the property is required by the proclamation under sub-section (1) to appear before the other officer authorised by the District Magistrate in that behalf and establish his claim, such officer shall forward the record of the proceedings before him with his findings thereon to the District Magistrate.

63. Delivery of property to person entitled. — (1) The District Magistrate on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 62 order the same to be delivered to him, after deduction or payment of the expenses incurred by the Police in the seizure and detention thereof.

(2) The District Magistrate may, at his discretion, before making any order under sub-section (1) take such security as he may think proper from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may be delivered pursuant to such order.

64. In default of Claim, Property to be at disposal of Government. — (1) If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under sub-section (2) of section 62, may be sold by auction under the orders of the District Magistrate and the proceeds thereof shall be credited to the Government.

(2) If any claim is made to any proceeds credited under sub-section (1) to the Government and if such claim is established, whether wholly or to any extent, to the satisfaction of the District Magistrate, the Government shall pay to the claimant the amount determined in that behalf by the District Magistrate.

(3) The form and manner in which claims may be made under sub-section (2) and the procedure for dealing with such claims and all other matters connected therewith shall be such as may be prescribed.

CHAPTER VIII

Offences

65. Disregarding the rules of the road.— No person shall —

(a) when driving a vehicle along a street (except in cases of actual necessity or of some other sufficient reason for deviation) fail to keep on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle; or

(b) leave in any street or public place insufficiently tended or secured any animal or vehicle.

66. Causing obstruction or mischief by animal.— No person shall cause obstruction, damage, injury, danger, alarm, or mischief in any street or public place —

(i) by misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle; or

(ii) by driving any vehicle or animal laden with timber poles or other unwieldy articles through a street or public place contrary to any regulation made in that behalf.

67. Exposing animal for hire, sale, etc.— No person shall in any street or in public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle or clean or groom any horse or other animal except at such times and places as the competent authority permits, or shall train or break in any horse or other animal or any vehicle or any part of a vehicle or (except when as a result of any accident repairing on the spot is unavoidable) repair any vehicle or part of a vehicle, or carry on therein any manufacture or operation so as to be a serious impediment to traffic or serious annoyance to residents in the vicinity or to the public.

68. Causing any obstruction in a street.— No person shall cause obstruction in any street or public place —

(a) by allowing any animal or vehicle, which has to be loaded or unloaded, or take up or set down passengers, to remain or stand in the street or the public place longer than may be necessary for such purpose; or

(b) by leaving any vehicle standing or fastening any cattle in the street or the public place; or

(c) by using any part of a street or public place as a halting place for vehicle or cattle; or

(d) by leaving any box, bale, package or other things whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation; or

(e) by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

69. Obstructing a footway.— No person shall drive, ride, load, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal in such a way that the animal can stand across or upon such footway.

70. Causing obstruction and annoyance by performances etc.— No person shall, in contravention of any regulation made under this Act, —

(a) exhibit any mimetic, musical or other performances of such a nature as may attract crowds; or

(b) carry or place bulky advertisements, pictures, figures or emblems in any street or public place,

whereby any obstruction to passengers or annoyance to the residents in the vicinity may be occasioned.

71. Doing offensive acts in or near a street or public place.—No person shall slaughter any animal, clean a carcass or hide, or bath, or wash his person in or near to and within sight of a street or public place, except at the place set apart for the purpose, so as to cause annoyance to the neighbouring residents or to passers-by.

72. Letting loose horse, etc. and suffering ferocious dogs to be at large.—No person shall in any street or public place —

(a) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or

(b) suffer a ferocious dog to be at large without a muzzle, or

(c) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

73. Bathing or washing in places not set apart for those purposes.—No person shall bathe or wash in, or by the side of, a public well, tank or reservoir not set apart for such purpose by order of the competent authority, or in, or by the side of, any pond, pool, aqueduct, river, stream, nullah or other source or means of water supply in which such bathing or washing is forbidden by order of the competent authority.

74. Defiling water in public wells, etc.—No person shall defile or cause to be defiled the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nullah or other source or means of water supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority.

75. Obstructing bathers.—No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the orders of the competent authority under section 88 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

76. Behaving indecently in public.—No person shall wilfully and indecently expose his person in any street or public place or place of public resort or within sight of, and in such manner as to be seen from, any street or public place or public resort whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or public place or place of public resort or in any office, police station or station house.

77. Obstructing or annoying passengers in the street.—No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise, disturb the public peace or order.

78. Misbehaviour with intent to provoke a breach of the peace.—No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to

provoke a breach of the peace or whereby a breach of the peace may be occasioned.

79. Prohibition against flying kites, etc.—No person shall fly a kite or any other thing so as to cause danger, injury or alarm to persons, animals or property.

80. Committing nuisance in or near street, etc.—No person shall in or near to any street, public place or place of public resort —

(a) commit a nuisance by easing himself; or

(b) having the care or custody of any child under seven years of age, suffer such child to commit a nuisance as aforesaid; or

(c) spit or throw any dust, ashes, refuses or rubbish so as to cause annoyance to any passer by.

81. Disregard of notice in public building.—No person shall, in any court, police station, police office or building occupied by Government or building occupied by any local body, smoke, or spit in contravention of a notice, by the authority in charge of such place, displayed in such court, police station, police office or building.

82. Penalties for offences under sections 65 to 81.—Any person who contravenes any of the provision of sections 65 to 81 (both inclusive) shall, on conviction, be punished with fine which may extend to one hundred rupees, or, in default of payment of such fine, with imprisonment for a term not exceeding eight days.

83. Penalty for failure to keep in confinement cattle, etc.—(1) Whoever allows any cattle which are his property or in his charge to stray in any street or to trespass upon any public or private property shall on conviction be punished—

(a) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to three hundred rupees, or with both; and

(b) for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) The Magistrate trying an offence under sub-section (1) may order —

(a) that the accused shall pay such compensation not exceeding two hundred and fifty rupees as such Magistrate considers reasonable to any person for any damage proved to have been caused to his property or the produce of his land by the cattle under the control of the accused trespassing on his land; and

(b) that the cattle in respect of which the offence has been committed shall be forfeited to the Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) It shall be the duty of every police officer and it shall be lawful for any other person to seize and take to any cattle pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property.

(5) Any fine imposed under the section may, without prejudice to any other means of recovery provided by law be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the offence punishable under this section shall be cognizable.

84. Punishment for Cruelty to animals. — Whoever in any place cruelly beats, goads, overworks, ill-treats or tortures or causes, or procures to be cruelly beaten, goaded, overworked, ill-treated or tortured, any animal shall, on conviction be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

85. Wilful Trespass. — Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or land or ground attached thereto, or on any ground, building, monument, or structure belonging to Government or used for public purposes, or on any vehicle shall, on conviction, whether he caused any actual damage or not, be punished with imprisonment which may extend to seven days or with fine which may extend to one hundred rupees, or with both.

86. False alarm of fire or damage to fire alarm. — Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of the Government or to any officer or fireman thereof, whether by means of a street fire alarm, statement, message or otherwise or with intent to give such false alarm wilfully breaks the glass of, or otherwise damages, a street fire alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

87. Being found under suspicious circumstances within sunset and sunrise. — Whoever is found between sunset and sunrise—

(a) armed with any dangerous instruments with intent to commit an offence; or

(b) having his face covered, or otherwise disguised with intent to commit an offence; or

(c) in any dwelling house or other building, or on any vehicle, without being able satisfactorily to account for his presence there; or

(d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself; or

(e) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house breaking

shall, on conviction, be punished with imprisonment for a term which may extend to three months.

88. Possession of property of which no satisfactory account can be given. — Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the

satisfaction of the Judicial Magistrate, First Class, on conviction be punished with imprisonment for a term which may extend to three months or with the fine which may extend to one hundred rupees, or with both.

89. Omission by pawn-brokers, etc., to report to Police possession or tender of property suspected to be stolen. — Whoever being a pawn-broker, dealer in second hand property, or worker in metals, or reasonably believed by the Inspector General of Police to be such a person, and having received from a police officer written or printed information in relation to any property suspected to have been transferred by an offence mentioned in section 410 of the Indian Penal Code, 1860 (Central Act 45 of 1860), or by an offence punishable under section 417, section 418, and section 419 or section 420 of the said Code, is found in possession, or, after the receipt of such information, comes into possession or has an offer, either by way of sale, pawn, exchange, or for custody alteration or otherwise howsoever, made to him, of properly answering the description contained in such information, shall, unless—

(i) he forthwith gives information to the Inspector General of Police, or at a police station of such possession or offers and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(ii) the property being an article of common wearing apparel or otherwise, is incapable of identification from the written or printed information given and has been in no way concealed after the receipt of such information, on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

90. Melting, etc., of property referred to in Section 89. — Whoever having received such information as is referred to in section 89 alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away, without the previous permission of the police, any such property as is referred to in that section shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, 1860 (Central Act 45 of 1860) or property in respect of which any offence punishable under section 417, section 418, section 419 or section 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years or with fine, or with both.

91. Taking pledge from child. — Whoever takes from any child not appearing to be above the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees.

92. Suffering disorderly conduct at places of public amusement, etc., — Whoever, being the keeper of any place of public amusement or public entertainment, knowingly permits or suffers drunkenness or other disorderly behaviour or any gambling whatsoever, in such place, shall, on conviction, be punished with fine which may extend to one hundred rupees.

93. Cheating at games and gambling in streets. — (1) Whoever by any fraud or unlawful device or malpractice in

playing at or with cards, dice or other game or in taking part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any games, sports, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable things, shall be deemed to have committed the offence of cheating within the meaning of section 415 of Indian Penal Code, 1860 (Central Act 45 of 1860) and be liable to punishment accordingly.

(2) Whoever assembles with others, or joins any assembly, in a street assembled for the purpose of gambling or wagering shall, on conviction, be punished with fine which may extend to fifty rupees or may be released after a due admonition.

94. Penalty for disobedience to order under section 24. — Whoever contravenes, disobeys, opposes or fails to conform to any order under section 24 requiring him to vacate any premises, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

95. Penalty for contravening regulations, etc., under section 25. — Whoever contravene or abets the contravention of any regulation made under section 25 or any of the conditions of a licence under such regulations, shall, on conviction, be punished—

(a) if the regulation was made under clause (b) of sub-section (1) of section 25 providing for the prohibition of the sale, or exposure for sale, of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public,—

- (i) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both, and
- (ii) for any subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees:

(b) if the regulation was made under clause (d), (h), (i) or (j) sub-clause (i) or (ii) of clause (p) or clause (v) of sub-section (1) of section 25 with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, or with both;

(c) if the regulation was made under clause (m) of sub-section (1) of section 25, with fine which may extend to two hundred rupees; and

(d) if the regulation was under any clause of sub-section (1) of section 25 and for the contravention of which no penalty is provided under clause (a), (b), or (c) of this section, with fine which may extend to fifty rupees.

96. Penalties for contravention of orders, etc., under sections 26, 27, 28, 29, 30 and 31. — (1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 26, shall, on conviction, be punished with fine which may extend to two hundred rupees.

(2) Whoever contravenes a notification or an order made under section 27, section 29, section 30 or section 31 or abets the contravention thereof shall, on conviction be punished,—

(a) if the said notification or order was made under sub-section (1) of section 27 or under section 30 or section 31, with imprisonment for a term which shall not be less than four months but which may extend to one year, and shall also be liable to fine:

Provided that the Court may, for adequate and sufficient reasons to be mentioned in the judgement impose a sentence of imprisonment for a term of less than four months;

(b) if the said order was made under sub-section (2) of section 27, with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both;

(c) if the said order was made under section 29, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(3) Whoever opposes or fails to conform to any direction given by a police officer under section 28, shall on conviction, be punished with fine which may extend to two hundred rupees.

97. Penalty for contravention of regulations, etc., made under sections 32 and 33. — Whoever contravenes, or abets the contravention of, any regulation, notice or order made under section 32, or section 33 shall on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

98. Penalty for contravention of directions under sections 42, 43 or 44. — Whoever opposes or fails to conform to any direction issued under section 42, section 43 or section 44 or abets the opposition to, or the failure to conform to, any such direction shall on conviction, be punished with imprisonment which shall not be less than four months but which may extend to one year and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than four months.

99. Penalty for entering without permission area from which a person is directed to remove himself or overstaying when permitted to return temporarily. — Without prejudice to the power to arrest and remove a person in the circumstances, and in the manner provided in section 53, any person who—

(a) in contravention of a direction issued to him under section 46, section 47, or section 48 enters or returns without permission to Goa or any part thereof, as the case may be, from which he was directed to remove himself; or

(b) enters or returns to Goa or any part thereof with permission granted under sub-section (1) of section 50, but fails, contrary to the provisions thereof, to remove himself

outside such area at the expiry of the temporary period for which he was permitted to enter or return or on the earlier revocation of such permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter without fresh permission,

shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to two years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than six months.

100. Penalty for contravention of orders under section 53. — Whoever contravenes any order made under section 53 shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

101. Penalty for opposing or not complying with direction given under clause (b) of sub-section (1) of section 55. — Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer under clause (b) of sub-section (1) of section 53, or abets the opposition thereto or failure to comply therewith shall, on conviction, be punished with imprisonment for a term which shall not be less than four months but which may extend to one year and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than four months.

102. Penalty for contravening directions under section 60. — Whoever opposes or fails to conform to any direction given by any police officer under section 60 or abets the opposition or failure to conform to such direction shall, on conviction, be punished with fine which may extend to fifty rupees.

103. Dangerous performances. (1) No person shall without the previous permission of the Inspector General of Police and except in accordance with any conditions subject to which such permission is granted, hold or give in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself underground or seals himself in any room or receptacle or other thing in such manner as to prevent all access of air to him and for such time as would ordinarily result in death by suffocation.

(2) If any person contravenes or attempts to contravene the provisions of sub-section (1), he shall, on conviction, be punished with imprisonment for a term which may extend to one year with fine, or with both.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the offence punishable under this section shall be cognizable.

104. Negligent or refusal to serve as Special Police Officer. — (1) Any person who having been appointed to be a Special Police Officer under section 17, without sufficient cause,

neglects or refuses to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties as such special police officer, shall, on conviction, be punished with fine which may extend to fifty rupees.

(2) Such punishment shall automatically cancel the certificate of appointment of such a special police officer.

105. Penalty for making false statement, etc., and for misconduct of Police Officers. — (a) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police officer, or

(b) any police officer who —

- (i) is guilty of cowardice, or
- (ii) being a police officer of subordinate rank, resigns his office or withdraws himself from duties thereof in contravention of section 22, or
- (iii) is guilty of any wilful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey, or
- (iv) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Explanation. — A Police Officer who being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave, for the purpose of sub-clause (ii) of clause (b), be deemed to withdraw himself from the duties of his office within the meaning of section 22.

106. Penalty for failure to deliver up certificate of appointment or other article. — Any Police Officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provisions of sub-section (1) of section 23 shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

107. Vexatious entry, search, arrest, etc., by Police Officer. — Any Police Officer who —

(a) without wilful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or

(b) vexatiously and unnecessarily seizes the property of any person; or

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) offers any unnecessary personal violence to any person in his custody; or

(c) holds out any threat or promise not warranted by law, shall, for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

108. Penalty for delay in forwarding a person arrested.— Any Police Officer who vexatiously and unnecessarily delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

109. Penalty for unauthorised use of Police uniforms.— If any person not being a member of the Goa Police wears, without the permission of an officer authorised by the Government in this behalf by general or special order, the uniform of the police force or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which may extend to two hundred rupees.

110. Prosecution for certain offences against this Act to be in the discretion of Police.— It shall not, except in obedience to a rule, regulation or order made by the Government or by the Inspector General of Police, be incumbent on the Police to prosecute for an offence punishable under section 92, section 97, section 107 when such offence has not occasioned serious mischief and has been promptly desisted from on a warning being given.

111. Summary disposal of certain cases.— (1) A Court taking cognizance of an offence punishable under section 92, may state upon the summons to be served on the accused person that he may, by a specified date, prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum not exceeding one hundred rupees, as the court may specify.

(2) Where an accused person pleads guilty and remits the sum specified in the summons, under sub-section (1), no further proceedings in respect of the offence shall be taken against him.

112. Prosecution for offences under other enactments not affected.— Subject to the provisions contained in section 300 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other law for anything made punishable by this Act or from being prosecuted and punished under this Act for anything made punishable under any other law.

113. Offences by companies.— (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act,

if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section;

(a) “company” means a body corporate, and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER IX

Miscellaneous

114. Disposal of fees, rewards, etc.— All fees paid for licence or permission granted under this Act, and all sums paid for the service of processes by Police Officers and all rewards, forfeitures and penalties or shares thereof, which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment for the time being in force to any local authority be credited to the Government:

Provided that with the sanction of the Government or under any rule made by the Government in that behalf the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to the Police Officer or be divided amongst two or more Police Officers:

115. Method of proving orders and notifications.— Any order or notification published or issued by the Government or by the Inspector General of Police or any other Police Officer or any other Officer or authority under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of copy thereof signed by an Officer of the Government or Inspector General of Police or other Officer, as the case may be.

116. Rules, regulations or orders not invalidated by defect of form or irregularity in procedure.— No rule, regulation, order, direction, adjudication, inquiry or notification made or published and no act done under any provision of this Act or any rule or regulation made under this Act, or in substantial conformity with the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

117. Presumption in prosecutions for contravention of offence under sections 42, 43 or 44.— In prosecution for an offence for the contravention of an order made under section 42,

section 43 or section 44 on the production of an authentic copy of the order, it shall, until the contrary is proved by the accused, be presumed —

(a) that the order was made by the competent authority under this Act;

(b) that the authority making the order was satisfied that the ground on, or the purpose for, which it was made existed, and that it was necessary to make the same and,

(c) that the order was otherwise valid and in conformity with the provision of this Act.

118. Forfeiture of bond entered into by person under sub-section (1) of section 50.— If any person permitted to enter or return to the area from which he was directed to remove himself under sub-section (1) of section 50, fails to observe any condition imposed under that sub-section or by the bond executed by him thereunder, his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the court why such penalty should not be paid.

119. No Police Officer shall be liable to penalty or damage for act done in good faith in pursuance of duty.— No Police Officer shall be liable to any penalty or to payment of any damages on account of any act done in good faith in pursuance of or purported to be done in pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, regulation, order or direction made or given thereunder.

120. No public servant liable for giving effect in good faith to any rule, regulation, order or direction issued with apparent authority.— No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to —

(a) any order or direction issued with apparent authority by the Government or by a person empowered in that behalf under this Act; or

(b) any rule or regulation made under this Act.

Explanation.— In this section, the expression “Public Servant” has the meaning assigned to it in section 21 of the Indian Penal Code, 1860.

121. Bar to suits and prosecutions.— (1) In any case of alleged offence by a police officer or other person, or of a wrong alleged to have been done by such police officer or other person, by any act done under colour of duty or in excess of any such duty or authority, or wherein it shall appear to the court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained and if entertained shall be dismissed if it is instituted, more than three months after the act complained of:

Provided that any such prosecution against a Police Officer or other person may be entertained by the Court, if instituted with the previous sanction of the Government.

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall give to the alleged wrong doer not less than one month's notice of the intended suit with sufficient description of the wrong complained of, and if no such notice has been given before the institution of the suit, it shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service and shall state what tender of amends, if any, has been made by the defendant and a copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

122. Licences and written permissions to specify conditions, etc.— (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted.

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority if any of its conditions or restrictions are infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence with respect to any matter to which such licence or permission relates.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

(4) Every person to whom any such licence or written permission has been granted shall, while the same remains in force, at all reasonable times, produce the same, if so required by a Police Officer.

Explanation.— For the purpose of this section any such infringement or evasion by a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion or, as the case may be, by the person to whom such licence or written permission has been granted.

123. Public notices how to be given.— Any notification which may be publicly promulgated, public notice required to be given, order required to be notified publicly or proclamation required to be issued under any of the provisions of this Act, shall be in writing under the signature of an authority competent to issue and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums or by advertising the same in such local newspapers in Hindi, English, Konkani and Marathi, as such authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

124. Consent etc. may be proved by writing under its signature.— Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of an authority, order signed by such authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

125. **Signature on notices etc. may be stamped.**— Every licence, written permission, notice or other document, not being a summons or warrant or search warrant required by this Act or by any rule or regulation made thereunder, to bear the signature of the authority issuing it and shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

126. **Power to make rules.**— (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) recruitment to, and the pay, allowances and all other conditions of service of the members of the Police force under clause (b) of section 5;

(b) the manner of publication, under sub-section (2) of section 17 of the names of special police officers appointed under that section;

(c) form of Discharge Certificate under section 22;

(d) determination of the cost of employing additional police under sub-section (2) of section 34;

(e) manner of taking measurements and photographs under section 51 of a person against whom an order has been made under section 42, section 43 or section 44;

(f) manner of constituting Defence Societies under sub-section (1) of section 54;

(g) form of receipts to be given in respect of any article detained under section 58;

(h) payment to any police officer or division among two or more police officers the whole or any portion of any reward, forfeiture or penalty under the proviso to section 114;

(i) any other matter which has to be, or may be, prescribed, or provided for by rules, under this Act.

127. **Repeal** — (1) Any law in force in Goa, or any area thereof corresponding to any provision or any part thereof of this Act shall stand repealed as from the coming into force of this Act.

(2) Nothing in sub-section (1) shall affect —

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

Statement of Objects and Reasons

1. In this State the Police Force have been functioning under the Police Act, 1861, the Police Act, 1888, and the Madras District Police Act, 1859 which have been extended to the State when we were a Union Territory.

2. In the absence of a comprehensive Legislation on the subject and with ever increasing pressure on the Police to take immediate action to prevent disturbance of the public peace and tranquility, a need has been felt to enact a Legislation to arm the Police Force with legal provisions to enable them to handle all situations which may lead to disturbance of public peace or tranquility and also enable the Police to take action in cases of public nuisance or acts causing annoyance to public.

3. There are many petty offences for which summary action is required to be taken by the Police. In the absence of a comprehensive Legislation with enabling provisions the Police Force will not be able to act in such cases.

4. The bill seeks to achieve the purpose.

Financial Memorandum

No financial implications are involved in the present Bill.

Note on Delegated Legislation

Clauses 19, 25, 33 enables framing of Regulations for the purpose of the Act.

Similarly, Clause 126 enables the Government to frame Rules for the purpose of the Act, thus delegated or of normal character.

Panaji,
12th December, 1995.

PRATAP SINGH RANE
Chief Minister

Assembly Hall,
Panaji,
12th December, 1995.

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa

Notification
LA/B/3441/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 13-12-95 is hereby published for general information in pursuance of the provisions of Rule - 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 14th December, 1995.

**The Goa Legislative Diploma No. 2070
dated 15-4-1961 (Amendment) Bill, 1995**

(Bill No. 32 of 1995)

A

Bill

further to amend the Legislative Diploma No. 2070 dated 15-4-1961 in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-sixth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1995.

(2) It shall come into force at once.

2. **Amendment of Article 334-A.**— In Article 334-A of the Legislative Diploma No. 2070 dated 15-4-1961, in the third proviso, for the words and figures “Rs. 80,000/-”, the words and figures “Rs. 1,25,000/-” shall be substituted.

Statement of Objects and Reasons

In pursuance of Article 334-A of the Legislative Diploma No. 2070 dated 15-4-1961, the Public, Charitable or Religious Institutions, Government Servants or employees of Comunidades, Freedom fighters, Landless Jonoeiros, etc., and other categories as notified by the Government would be eligible for grant of land on lease, for construction of house or building without auction, subject to condition that the person should reside in the State for 15 years, and whose annual income does not exceed Rs. 80,000/-. However, in view of steep rise in cost of living and inflation, it is desirable to enhance the income ceiling limit for eligibility for grant of land belonging to the Comunidade, on lease without auction to that category of persons namely, Government servants, employees of Comunidade, landless jonoeiros, etc., to Rs. 1,25,000/-.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
12th December, 1995.

WILFRED M. MESQUITA
Minister for Revenue

Assembly Hall,
Panaji,
13th December, 1995.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa

(Annexure to Bill No. 32 of 1995)

The Goa Legislative Diploma No. 2070 dated 15-4-1961
(Amendment) Bill, 1995

Legislative Diploma No. 2070 dated 15-4-1961

“Article 334-A. — Notwithstanding anything contained in article 334, but subject to article 327, a Comunidade may, subject to such guidelines as the Government, may, from time to time, issue, grant on lease not more than 400 sq. metres of land for construction of houses or buildings, without auction, to any of the following categories or for purposes:—

- i) Public, Charitable or Religious Institutions;
- ii) For any scheme of providing housing to the economically weaker sections;
- iii) Small scale industrial purposes;
- iv) Government Départments or local bodies;
- v) Co-operative Housing Societies of landless persons;
- vi) Government servants or employees of the Comunidades who are landless;
- vii) Landless Jonoeiros;
- viii) Landless Freedom Fighters;
- ix) Such other categories or purposes as may be notified by the Government, from time to time:

Provided that every notification issued under this clause shall be laid as soon as may be, after it is issued, before the Legislative Assembly:

Provided further that the members of the Co-operative Housing Societies and the persons belonging to the categories (vi), (vii) and (viii) above are residing in Goa for preceding 25 years:

Provided also that no person whose annual income exceeds Rs. 80,000/- or such amount as may be prescribed by the Government shall be eligible for grant of land on lease without auction.”

“Explanation 1. — For the purpose of this Article, the word “landless” means that neither the person nor his or her spouse or minor child owns a plot of land or house in the State of Goa. The word “house” shall also include a flat or apartment.

Explanation 2. — For the purpose of this Article, the annual income of the person shall be construed to mean the annual income of the person and of his or her spouse or minor child”.

Panaji,
Assembly Hall,
13th December, 1995.

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa